

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 ROTH, et al.,

Petitioners,

Case No. 04-2-0014c

4
5 v.

6 LEWIS COUNTY,

Respondent,

**THIRD ORDER EXTENDING
PERIOD FOR COMPLIANCE**

7 And

8
9 CARDINAL FG COMPANY,

Intervenor.

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11 THIS Matter comes before the Board upon the third motion of the County for additional time
12 to achieve compliance in this case. Third Motion of Lewis County to Extend Compliance
13 Report Date (July 15, 2005). No opposition to the County's motion was received by the
14 Board within the 10-day period specified for response to motion in the Board's Rules of
15 Practice and Procedure, WAC 242-02-534.
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18 **PROCEDURAL BACKGROUND**

19 On December 9, 2004, this Board found LCC 17.20.050 is noncompliant with the GMA and
20 ordered that the County achieve compliance by April 4, 2005. The County sought an
21 extension of the time for compliance on April 4 and the Board granted an extension on
22 April 22, 2005. Order Extending Period for Compliance. The compliance deadline set was
23 June 7, 2005.
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26 The second motion for extension was brought on June 1, 2005, and requested additional
27 time for the County to complete its compliance efforts in this case. Second Motion of Lewis
28 County to Extend Compliance Report Date. The County requested until July 16, 2005, to
29 achieve compliance. No opposition was filed and the Board extended the time for
30 compliance to July 16, 2005. Second 2005 Order Extending Period for Compliance.
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1 In this its third motion for an extension, the County notes that it has undertaken significant
2 compliance efforts on this and other pending cases before the Board. After reconstituting its
3 Planning Commission, this matter and the agricultural resource lands compliance issues
4 were brought before the new Planning Commission on July 12, 2005. The Planning
5 Commission adopted recommendations and proposed amendments to achieve compliance
6 in this case and has forwarded those to the Board of County Commissioners. Third Motion
7 to Extend Compliance Report Date, *Roth v. Lewis County and Cardinal FG Company*,
8 WWGMHB Case No. 04-2-0014c. The County expects the Board of County Commissioners
9 to take action on either August 1 or August 8. *Ibid.*
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12 DISCUSSION

13 Upon a finding of noncompliance, the statute provides that the board shall specify a
14 reasonable time to achieve compliance not in excess of 180 days "or such longer period as
15 determined by the board in cases of unusual scope or complexity." RCW 36.70A.300(3)(b).
16 In this case, the specific task of addressing the noncompliant provisions of LCC 17.20.050
17 may not be of unusual scope and complexity, but it is clear that the County's approach to
18 achieving compliance is occurring in a broad and complex context. The County has chosen
19 to revise its planning commission and procedures relating to the adoption of comprehensive
20 plan amendments and development regulations to address all of the outstanding
21 compliance issues in a variety of cases before this Board. In the course of doing this, it has
22 needed more time than originally anticipated. However, we find that the County has been
23 making reasonable efforts to respond to the Board's order in this case. With the Planning
24 Commission's recommendations on the necessary revisions to the code provisions now
25 adopted, it is reasonable to allow the County additional time for the County Commissioners
26 to take action.
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1 **ORDER**

2 We find that the unusual scope and complexity of the County's compliance efforts warrant
3 additional time to achieve compliance. We also find that the best interests of all parties
4 would be served by holding the compliance hearing on this case together with the
5 compliance hearing in *Vinatieri, et al. v. Lewis County*, WWGHB Case No. 03-2-0020c; and
6 the day prior to the compliance hearing in *Butler v. Lewis County*, WWGMHB Case No.
7 99-2-0027c and *Panesko v. Lewis County*, WWGHMB Case No. 00-2-0031c. The period for
8 compliance is therefore EXTENDED to August 12, 2005. The County did not propose a
9 revised schedule for briefing and the compliance hearing. Therefore, the Board sets the
10 following schedule:
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13 Compliance due	August 12, 2005.
14 County's Report of Actions Taken Due (copies to all parties)	August 22, 2005.
15 Written Objections (if any) to a Finding of Compliance Due	September 12, 2005.
16 County's Response to any Objections to Compliance Due	October 3, 2005.
17 Compliance Hearing (location to be determined)	October 19, 2005.

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20 If any party objects to this schedule, that party must file a proposed revised schedule with
21 the Board no later than 10 days from the date of this order.
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23 Entered this 27th day of July 2005.
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26 Margery Hite, Board Member

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28 Holly Gadbow, Board Member

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30 Gayle Rothrock, Board Member
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